

**DURHAM, NORTH CAROLINA  
MONDAY, JUNE 7, 2010  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the pledge of allegiance led by Council Member Clement.

Mayor Bell read proclamations recognizing June 19, 2010 as North Carolina African American Independence Day presented to Phyllis Coley, Gary Jones and Rhonda Parker and June 2010 as Durham Firefighters Appreciation Month presented to Fire Chief Bruce Pagan and Captain William Towner. He also read proclamations recognizing the 20th Anniversary of Americans with Disabilities Act presented to Margaret Walters-Clemens, Charlie Gibbs and Joel Reitzer and June 2010 as National Homeownership Month presented to Housing Director Mike Barros.

The Mayor Pro Tempore Cole-McFadden and the Mayor recognized the graduates of the Junior Fire Marshals program.

Mayor Bell presented certificates to employees of the Public Works Department who completed the Basic Backhoe Safety, Basic Track Excavator Safety, Operations and Maintenance program.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. There were no priority items.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION -  
APPOINTMENTS**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to reappoint Tobias Berla (Representing Ward 1) and Deborah Morgan (Representing Ward 2) to the Durham Open Space & Trails Commission with the terms to expire on June 30, 2013 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM CITY-COUNTY ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENTS**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to appoint Matthew Hanchey to the Durham City-County Environmental Affairs Board to represent Law with the term to expire on June 1, 2013 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: BID REPORT - APRIL 2010**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report and record into the minutes bids which were acted upon by the City Manager during the month of April 2010 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Date:** May 3, 2010

**To:** Thomas J. Bonfield, City Manager

**Through:** Wanda S. Page, Deputy City Manager  
David Boyd, Finance Director

**From:** Joseph W. Clark, CLGPO, Purchasing Manager

**Subject:** Bid Report – April 2010

**Recommendation**

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of April 2010.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Laboratory Equipment for South Durham WRF**

Purpose of Bid:

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Comments: This equipment is used to perform water chemical analysis.

Opened: April 5, 2010

Bidders:	Hach Company	* \$32,006.59
	Loveland, CO	
	O & I Analytical	\$35,533.00
	College Station, TX	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	934		# Black Males	6	5%
Total # Females	324	35%	# White Males	577	40%
Total # Males	610	65%	# Other Males	27	20%
			# Black Females	4	5%
			# White Females	303	20%
			# Other Females	17	10%

**2. Bid: Compact Utility Tractor**

Purpose of Bid: To provide the Water Management Department with a Compact Utility Tractor.

Comments:

Opened: March 26, 2010

Bidders:	Revels Tractor Company	* \$38,298.94
	Fuquay, NC	
	Barnhill Equipment Co.	\$39,013.32
	Durham, NC	

\*Awarded based on: X Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	96		# Black Males	12	12%
Total # Females	17	18%	# White Males	66	69%
Total # Males	79	82%	# Other Males	1	1%
			# Black Females	0	0%

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# White Females	17	18%
# Other Females	0	0%

**3. Bid: Fluorosilicic Acid 23% HFS**

Purpose of Bid: To provide Water Management with HFS 23%. This chemical is used in the drinking water process.

Comments: 60 tons @ \$54900/ton

Opened: April 27, 2010

Bidders:	Key Chemical Inc.	* \$32,940.00
	Waxhaw, NC	
	JCI Jones Chemicals	\$35,100.00
	Jacksonville Beach, FL	
	Pencoco, Inc.	\$35,640.00
	San Felipe, TX	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	2		# Black Males	0	0%
Total # Females	1	50%	# White Males	1	50%
Total # Males	1	50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	50%
			# Other Females	0	0%

**4. Bid: Sodium Hypochlorite (Chlorine)**

Purpose of Bid: To provide Water Management with Chlorine. This chemical is used in the water process.

Comments: Bids were sent to several bidders and only one response was received. 40,000 gallons @ .78/gallon

Opened: April 27, 2010

Bidders:	Oltrin Solutions, LLC	* \$31,200.00
	Hamlet, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

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WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	65		# Black Males	6	9%
Total # Females	15	23%	# White Males	41	63%
Total # Males	50	77%	# Other Males	3	5%
			# Black Females	2	3%
			# White Females	10	15%
			# Other Females	3	5%

5.     **Bid:**           **Liquid Sodium Hydroxide (Caustic)**

Purpose of Bid:       To provide Water Management with Caustic. This chemical is used in the water process.

Comments:           100 tons @ \$334.89/ton

Opened:            April 27, 2010

Bidders:	Brenntag SE	* \$33,489.00
	Durham, NC	
	Suffolk Sales and Service	\$ 33,957.00
	Suffolk, VA	
	Basic Chemical Solutions	\$35,161.00
	Morrisville, PA	
	JCI Jones Chemicals	\$42,300.00
	Charlotte, NC	

\*Awarded based on: X Low Bid   \_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	113		# Black Males	41	36%
Total # Females	32	28%	# White Males	37	32%
Total # Males	84	72%	# Other Males	3	4%
			# Black Females	4	8%
			# White Females	28	20%
			# Other Females	0	0%

6.     **Bid:**           **Ferric Sulfate**

Purpose of Bid:       To provide Water Management with Ferric Sulfate. This chemical is used in the drinking water process.

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Comments: 600 tons @ \$166.00/ton

Opened: April 27, 2010

Bidders: General Chemical Performance \* \$99,600.00  
Parsippany, NJ  
Kemira Water Solutions, Inc. \$121,800.00  
Lawrence, KS

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	515		# Black Males	38	21%
Total # Females	108	21%	# White Males	324	35%
Total # Males	407	79%	# Other Males	45	23%
			# Black Females	13	5%
			# White Females	81	11%
			# Other Females	14	5%

**7. Bid: One (1) 30,000 GVWR Cab & Chassis**

Purpose of Bid: To provide the Street Cleaning Division with a truck chassis.

Comments: A sweeper body will be mounted to this chassis.

Opened: April 12, 2010

Bidders: White's Tractor & Truck \* \$72,332.76  
Greensboro, NC  
Navistar, Inc. \$75,142.00  
Warrenville, IL

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	47		# Black Males	4	34%
Total # Females	6	13%	# White Males	36	50%
Total # Males	41	87%	# Other Males	1	3%
			# Black Females	0	0%
			# White Females	6	13%
			# Other Females	0	0%

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**8. Bid: Two (2) Industrial Type Zero-Turn Mowers**

Purpose of Bid: To provide the Parks & Recreation Department with lawn mowers.

Comments: Two mowers @ \$9,975.00 each

Opened: April 27, 2010

Bidders:	Quality Equipment, LLC	* \$19,950.00
	Roxboro, NC	
	Barnhill Equipment Co.	\$19,999.90
	Durham, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	96		# Black Males	12	12%
Total # Females	17	18%	# White Males	66	69%
Total # Males	79	82%	# Other Males	1	1%
			# Black Females	0	0%
			# White Females	17	18%
			# Other Females	0	0%

**9. Bid: One (1) Street Sweeper Body**

Purpose of Bid: To provide the Street Cleaning Division with a sweeper body.

Comments: This sweeper body will be mounted on a cab & chassis purchased separately.

Opened: April 30, 2010

Bidders:	Amick Equipment Company, Inc.	* \$87,159.00
	Lexington, SC	
	Consolidated Disposal Systems, Inc.	\$93,111.00
	Smyrna, GA	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	20		# Black Males	0	0%
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Total # Females	4	20%	# White Males	16	80%
Total # Males	16	80%	# Other Males	0	0%
			# Black Females	1	5%
			# White Females	3	15%
			# Other Females	0	0%

The SDBE Data Base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

**SUBJECT: STREET ACCEPTANCES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the streets on the list for maintenance by the City of Durham was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ravenstone – Phase 1, Sections 1, 2 and 3

- 1) Ravenstone Lane - from the east curb line of Sherron Road southeast thru the cul-de-sac (1049'), and
- 2) Ashburn Lane – from the centerline of Ravenstone Lane south past Hillview Drive to the end of construction @ STA 12+33 (1710'), and
- 3) Oakchest Court – from the centerline of Ravenstone Lane northeast to the end of construction at STA 13+00 (300), and
- 4) Grandimere Court – from the centerline of Ashburn Lane east thru the cul-de-sac (340'), and
- 5) Woodtrellis Court - from the centerline of Ashburn Lane east thru the cul-de-sac (659').

Summer Meadow – Phase III

- 1) Sun Dried Court – from the centerline of Danube Lane north thru the cul-de-sac (906'), and
- 2) Danube Lane – from the end of Phase II construction @ STA 16+45.95 east thru the cul-de-sac (257'), and
- 3) Geranium Street – from the end of Phase II construction @ STA 6+15.25 to the centerline of Weeping Willow Drive (135'), and



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- 4) Weeping Willow Drive – from the end of Phase II construction @ STA 17+61.14 east to the centerline of Felicia Street (803'), and
- 5) Felicia Street – from the centerline of Sun Dried Court northeast to the end of Phase III construction @ STA 7+16.38 (616').

Forrest Brook

- 1) Denada Path – from the end of existing construction north to the end of street at STA 15+73.55 (485'), and
- 2) Calle Luna Court – from the centerline of Denada Path west thru the cul-de-sac (215'), and
- 3) Silverbush Court – from the centerline of Denada Path east thru the cul-de-sac (266').

South Adams Park

- 1) Big Twig Lane – from the centerline of S. Adams Street west then south and around to the centerline of Blue Iris Lane (2,255'), and
- 2) Red Sunset Lane – from the centerline of Big Twig Lane west then south thru the cul-de-sac (495'), and
- 3) Blue Iris Lane – from the centerline of Big Twig Land east to the end of construction @ STA 13+39.12 (339').

Carillon Forest – PH IA, IB, IIA

- 1) Keohane Drive – from the east curb line of Randolph Road east to the centerline of Few Circle (1,340'), and
- 2) Harkness Circle – from the centerline of Kilgo Drive south and around back to the centerline of Kilgo Drive (3,336'), and
- 3) Few Circle – from the centerline of Kilgo Drive south and around back to the centerline of Kilgo Drive (1,137'), and
- 4) Kilgo Drive – from the centerline of Few Circle west to the end of PH 1B construction @ STA 17+60 (561'), and
- 5) Deeds Drive – from the centerline of Few Circle to the centerline of Harkness Circle – (350'), and

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- 6) Henningson Way – from the centerline of Harkness Circle to the centerline of Harkness Circle (868'), and
- 7) Katie Lane – from the centerline of Harkness Circle west to the end of PH 1B construction @ STA 13+50 (121'), and
- 8) Alman Drive – from the end of existing Alman Drive @ STA 10+10 north past Keohane Drive to the end of PH 1A construction @ STA 14+60 (450').

**Treyburn Stagville – Phase III**

- 1) Red Cedar Circle – from the centerline of Loblolly Drive west, then looping back to Loblolly Drive (1,397').

**Villages at Independence Park II**

- 1) Fanning Way – from the east curb line of Danube lane east thru the cul-de-sac (1,669'), and
- 2) New Bedford Court – from the centerline of Fanning Way south thru the cul-de-sac (346'), and
- 3) Lillington Drive – from the east curb line of Danube Lane east, then north to the end of construction @ STA 22+28 (2,108').

**Other Streets**

- 1) Stratford Lakes Drive – from the centerline of Martin Luther King Jr. Boulevard east to the east curb line of Fayetteville Road (2,115'), and
- 2) Eubanks Road – from the centerline of Lassiter Street to the centerline of Mossdale Avenue (320'), and
- 3) Leonardo Drive – from the centerline of Renaissance Parkway south to existing Leonardo Drive (240'), and
- 4) Alpha Drive – from the end of existing construction north of Woodland Drive to the end of construction east of Houndschase Drive @ STA 8+88 (440').

**SUBJECT: CASH COLLECTIONS FOLLOW-UP COMPLIANCE AUDIT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept the Cash Collections Follow-up Compliance Audit dated April 2010 as

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presented and approved at the April 26, 2010 meeting of the Audit Services Oversight Committee was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: MORTGAGE LOAN PORTFOLIO QUARTERLY REPORT - THIRD QUARTER FY 2010**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive the quarterly report on the Community Development Loan Portfolio was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: GRANT PROJECT ORDINANCE AMENDMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FY09 PROGRAM INCOME**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the FY09 Grant Project Ordinance amendments for Community Development Block Grant and HOME program income was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13993 and 13994**

**SUBJECT: LIMITED OBLIGATION BONDS SERIES 2010**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt the resolution of the City Council of the City of Durham, North Carolina, authorizing the negotiation of an amendment to an installment purchase contract, directing the publication of notice with respect thereto and providing for certain other related matters thereto was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9721**

**SUBJECT: CONTRACT AMENDMENT #2 WITH KIMLEY-HORN & ASSOCIATES FOR DESIGN SERVICES - LYON PARK UPGRADES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute Contract Amendment #2 for Professional Services for the

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Design of Lyon Park Upgrades with Kimley-Horn and Associates, Inc. in the amount of \$9,225.00;

To increase the design contingency by \$2,800.00; and

To authorize the City Manager to negotiate and execute change orders on the Contract for Professional Services for the Design of Lyon Park Upgrades, with Kimley-Horn and Associates, Inc., provided the total contract amount does not exceed \$64,225.00, which is the amount budgeted for professional design services plus the contingency was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH ACS GOVERNMENT SERVICES, INC. FOR MODIFICATIONS TO THE LAND DEVELOPMENT OFFICE (LDO) SOFTWARE SYSTEM**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract for an amount not to exceed \$103,000.00 with ACS Government Services, Inc. for modifications to the Land Development Office (LDO) Software System was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO GRANT PROJECT ORDINANCE #13975 - FY 2010 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the Executive Office of the President, Office of National Drug Control Policy, '2010 High Intensity Drug Trafficking Areas (HIDTA)' Grant by executing the grant documents; and

To adopt the Executive Office of the President, Office of National Drug Control Policy, '2010 High Intensity Drug Trafficking Areas (HIDTA)' Grant Project Ordinance , superseding Grant Project Ordinance #13975 in the amount of \$322,431.00 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #13995**

**SUBJECT: ORDINANCES SETTING EXISTING PUBLIC WORKS FEES**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance Providing for Animal Disposal and Street Sweeping Call-Out and Street Flushing Fees; **Ordinance #13996**

To adopt an Ordinance Providing for Construction Drawing Review Fees; **Ordinance #13997**

To adopt an Ordinance Providing for Water and Sewer Extensions, Agreements and Fire Flow Test Fees; **Ordinance #13998**

To adopt an Ordinance Providing for Assessment Rates and Frontage Charges; **Ordinance #14000**

To adopt an Ordinance Providing for Water and Sewer Engineering Connection Fees; **Ordinance #13999**

To adopt an Ordinance Providing for Payment-In-Lieu for Sidewalks; **Ordinance #14001**

To adopt an Ordinance Providing for Curb, Gutter, Driveway and Sidewalk Construction and Inspection Fees; and **Ordinance #14002**

To adopt an Ordinance Providing for Topographic, Planimetric, Other Map and Specification Fees was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14003**

**SUBJECT: AMERICAN TOBACCO TRAIL - PHASE E AMENDMENT NO. 1 AND SUPPLEMENTAL AGREEMENT EL-2921E CIP ORDINANCE AMENDMENTS AND GRANT RESOLUTION - PB AMERICAS, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to amend the professional services agreement with PB Americas, Inc. by \$110,000.00 to facilitate the design and permitting of the American Tobacco Trail;

To establish a design services contingency in the amount of \$15,000.00;

To authorize the City Manager to negotiate and execute amendment number 1 to the professional services agreement with PB Americas, Inc. for the American Tobacco trail provided the total contract with PB Americas, Incorporated does not exceed \$1,775,000.00;

To adopt a Grant Resolution authorizing the City Manager to execute a Supplemental Agreement (EL-2921E) with the North Carolina Department of Transportation for the American Tobacco Trail providing a 20% match or \$202,320.00 for the Direct Attributable funds authorized;

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To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2009-2010, as amended, the same being Ordinance #13841 for the purpose of recognizing the additional N.C. Department of Transportation revenue of \$799,316.00 and in addition \$480,000.00 for additional project costs and \$202,320.00 for the 20% grant match for the American Tobacco Trail--the total amendment being \$1,481,636.00; and

To adopt an Ordinance amending the General Capital Improvement Project Ordinance, Fiscal Year 2009-2010, as amended, the same being Ordinance #13841 for the purpose of using \$682,320.00 of 2007 Bond Funds in New Sidewalk Construction for the American Tobacco Trail Project was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Resolution #9722**  
**Ordinance #14004**

**SUBJECT: ORDINANCE SETTING SOLID WASTE DISPOSAL FEES AND ROLL-OFF CONTAINER RENTAL RATES**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an Ordinance to Set Fees for Municipal Solid Waste Disposal, Yard Waste Disposal and Roll-Off Container Rentals was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14005**

**SUBJECT: CITY OF DURHAM AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FY2009-10 TRANSPORTATION PLANNING GRANT PROJECT ORDINANCE SUPERSEDING "TRANSPORTATION PLANNING GRANT PROJECT ORDINANCE #13886"**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the City of Durham and the North Carolina Department of Transportation - Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant by executing the grant documents; and

To adopt the City of Durham and the North Carolina Department of Transportation - Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance - FY 2009-2010 grant project ordinance superseding Grant Project Ordinance #13886 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**Ordinance #14006**

**SUBJECT: CONTRACT #3 WITH SULLIVAN EASTERN, INC. HILLANDALE  
DUAL WATERLINE REPLACEMENT, PHASE I**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a contract with Sullivan Eastern, Inc., for the Hillandale Dual Waterline Replacement, Phase I, for the total bid amount \$4,254,371.00;

To establish a contingency fund for the contract in the amount of \$645,629.00; and

To authorize the City Manager to negotiate change orders for the contract provided that the cost of all change orders does not exceed \$645,629.00 and the total project cost does not exceed \$4,900,000.00 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**SUBJECT: 2010-11 EMPLOYEE BENEFITS RECOMMENDATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the 2010-11 Employee Benefits Program for the plan year September 1, 2010 through August 31, 2011; and

To authorize the City Manager to execute contracts with the recommended benefit vendors was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

*The City Council disposed of the following agenda items at the May 20, 2010 Work Session:*

**8. Provision of Information regarding H.R. 4812 (Local Jobs for America Act)**

To accept the staff report; and

To support passage of the Local Jobs for America Act.

*(This item was approved at the 05-20-10 Work Session)*

**10. Leigh Farm Park Design Contract Amendment One**

To authorize the City Manager to execute an amendment to the design contract with HagerSmith Design PA for the Leigh Farm Park Restoration and Reconstruction project in the amount of \$30,100.00 so that the total design contract amount will not exceed \$81,020.00;

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To increase the design services contingency to \$8,102.00; and

To authorize the City Manager to negotiate and execute amendments to the design contract with HagerSmith Design PA for the Leigh Farm Park Restoration and Reconstruction project, provided the total contract amount does not exceed \$89,122.00 which is the full amount budgeted for design services plus the design services contingency.

*(This item was approved at the 05-20-10 Work Session)*

**16. Resolution for Land Exchange between the City of Durham and Henry and Kimberley Kaestner for the St. Marks Road Sewer Outfall Easement**

To adopt a Resolution, pursuant to G.S. 160A-271, that allows exchange of property; authorizing the exchange of approximately 0.7 acres of city-owned property identified as (Parcel ID # 139597) for approximately 1.7 acres of land owned by Mr. Henry and Mrs. Kimberley Kaestner (Parcel ID # 139588) subject to the approved negotiated terms.

*(This item was deferred to the June 10, 2010 Work Session)*

**20. FY 2010 Make It Durham Campaign Presentation**

To receive a presentation from the Durham Chamber of Commerce on a review of the FY 2010 Make IT Durham Campaign.

*(A presentation was received at the 05-20-10 Work Session)*

**21. Durham Workforce Development Board Annual Report Presentation**

To receive a presentation from Durham Workforce Development Board for a review of the Annual Report.

*(A presentation was received at the 05-20-10 Work Session)*

**22. FY 2010 3rd Quarter Financial Report and Financial Update**

To receive the FY 2010 3rd Quarter Financial Report and Financial Update.

*(A presentation was received at the 05-20-10 Work Session)*

**30. Carolina Population Center**

To receive comments from Sharon E. Loza regarding National Children's Study.

*(Comments were received at the 05-20-10 Work Session)*



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**31. Mercy and Grace Community Outreach**

To receive comments from Charles T. Anderson regarding their community outreach center.

*(Comments were received at the 05-20-10 Work Session)*

**32. Walltown Frollix**

To receive comments from Mike Fishback regarding the Walltown Recreation Center.

*(Comments were received at the 05-20-10 Work Session)*

**33. Ralph McKinney, Jr.**

To receive comments from Ralph McKinney, Jr. regarding citizens' protection.

*(Comments were received at the 05-20-10 Work Session)*

**[GENERAL BUSINESS AGENDA]**

**SUBJECT: 2010 FIRST QUARTER SUMMARY CRIME REPORT**

To receive the Police Department's 2010 First Quarter Summary Crime Report.

Police Chief Jose Lopez made comments regarding the design of the new report informing Council that all information and statistics are available in the Executive Summary. He presented the 2010 1st Quarter Police Department Report covering the department's six performance measures to include violent crime, property crime, part 1 index crime, clearance rates, response times for priority one calls and staffing levels. He stated this report will be comparing 2010 statistics for the five-year average for the first quarter and gave an overview of the power point presentation that covered the following.

- violent crime [homicide, rape, robbery and aggravated assault] was up 8% from 2005-2009 five-year average,
- property crime [burglary, larceny and motor vehicle theft] was up 9%,
- index crime [property and violent crime] up 9%,
- violent crime clearance rate 46%
- property crime clearance 27%;
- 4,922 priority 1 calls for service for July 1, 2009 - March 31, 2010,
- target response time 6 1/2 minutes and 52.68% under 5 minutes and met both goals and
- staff levels - sworn 985 and civilian 92.5%

Mayor Bell asked that a chart illustrating clearance rates for crime categories be included in upcoming reports.

Council Member Woodard requested information [period of time burglaries occurred/parole

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status] relating to burglaries committed by Corey Scott Shepherd.

Police Chief Lopez discussed the violence incident response initiative.

Note: The crime report was presented by Police Chief Lopez. No action was taken by the Council.

**[PUBLIC HEARINGS]**

**SUBJECT: PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENTS ON STALLINGS ROAD, BANDOCK DRIVE AND OLIVE BRANCH ROAD**

Public Works Director Katie Kalb noted valid petitions have been received for all improvements regarding this item and staff is recommending that they be approved.

Mayor Bell opened the public hearing.

Bruce Harris expressed concerns with the problems associated with the community well and urged Council to support this request.

Shirley George spoke in support of this item raising a concern with the water quality.

Mayor Bell closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on improvements; and

To adopt a resolution ordering the following improvements was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Water Main on Stallings Road from Mineral Springs Road to South Property Line of PIN 0851-02-98-0871;

Water Main on Stallings Road from Oak Grove Parkway to Husketh Drive;

Water Main on Bandock Drive from Hillview Drive to Rondelay Drive and Rondelay Drive from Bandock Drive to West Property Line of PIN 0860-01-36-2444;

Water Main on Olive Branch Road from Wake Forest Highway to Bookman Street and Bookman Street from Olive Branch Road to Bandock Drive.

**SUBJECT: STREET CLOSING – 89 SQUARE FEET OF LANIER PLACE (SC1000001)**

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City/County Planning Director Steve Medlin briefed Council on this street closing. He reported this request has been reviewed by all operational departments and service providers and no issues have been identified. He stated staff is recommending approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive public comments on the permanent closing of 89 square feet of Lanier Place, west of Evans Street and east of Duke University Lemur Center; and

To adopt an order permanently closing 89 square feet of Lanier Place was approved at 7:51 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14007**

**SUBJECT: PROPOSED FY 10-11 PLANNING DEPARTMENT FEE ORDINANCE**

City/County Planning Director Steve Medlin briefed Council on the four changes to the fee schedule. He noted changes include an extension of the technology surcharge for three years to fund the land development office software system along with three new fees relating to ordinance revisions recently adopted dealing with the downtown design district--architectural review fee--\$150, plus 4% technology surcharge, and the other two fees address revisions to the current fee structure that deals with a development plan as site plan/preliminary plat and the Minor Certificate of Appropriateness issued through Historic Preservation Commission. He reported there are no additional revenues generated by these fee changes.

Mayor Bell opened the public hearing.

Tom Miller, representing Inter-Neighborhood Council, expressed concerns with these fees being the highest in the state. He stated it costs more to appeal a decision of the Planning Director to the Board of Adjustment than it does to file a lawsuit in the United States District Court in Greensboro. He noted the ordinary citizen cannot afford these fees because they are too high and there should be another way to fund the Planning Department through general tax revenue.

Mayor Bell closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Ali to receive public comments on the FY 10-11 Planning Department Fee Ordinance; and

To adopt an Ordinance Modifying Fees and Surcharges Charged by the City-County Planning Department and Surcharges Charged by the City-County Inspections Department was approved at 7:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

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**Ordinance #14008**

**SUBJECT: AMENDMENT TO THE STORMWATER PERFORMANCE  
STANDARDS FOR DEVELOPMENT ORDINANCE**

Paul Wiebke, of the Stormwater Division, briefed Council on the revisions to the Stormwater Performance Standards for Development Ordinance. He stated the amendment will address the new development requirements for the Jordan Lake Rules and Draft Falls Lake Rules. He noted the proposed revisions would reduce the nitrogen export limit from 3.6 to 2.2 pounds per acre per year which meets both the Jordan and Fall Rules for new development. The amendment also would set a phosphorus limit of 0.5 pound per acre per year which meets the Jordan requirements, but does not meet the .33 pound per acre per year limit in the Draft Falls Rules. He outlined reasons why staff is not recommending the implementation of the lower phosphorous limit in the Falls Lake Rules. He stated the new development rules are required to be implemented in March 2012 for the Jordan Rules and in July 2012 for the Falls Rules. He reported staff is recommending the earlier implementation in order to reduce the cost to the City for retrofitting existing development and commented on the public meetings held in March and April regarding anticipated changes.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comments regarding amendments to the Stormwater Performance Standards for Development, Sections 70-736 through 741 of Chapter 70, Article X of the Durham City Code; and

To adopt an Ordinance to Revise Stormwater Performance Standards for Development, Sections 70-736 through 741 of Chapter 70, Article X of the Durham City Code was approved at 8:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14009**

**SUBJECT: REVISIONS TO THE STORMWATER FACILITY REPLACEMENT  
FUND ORDINANCE**

Paul Wiebke, of the Stormwater Division, briefed Council on the revisions to the Stormwater Facility Replacement Fund Ordinance which will clarify Section 70-751 of the City Code. He noted revisions make clear 1) that an alternate surety for commercial and non-residential properties is allowed instead of developer payment into the Replacement Fund, 2) that the general substance of covenants and agreements with the City for ongoing maintenance and 3) the conditions under which existing facilities may convert prior surety instruments provided for

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ongoing repair and maintenance to the Stormwater Facility Replacement Fund. In addition, he noted there would be a minor change to Section 70-750 allowing interest or investment income from the Fund to be used for facilities authorized by the City that mitigate stormwater impacts to a facility for which payment into the Fund has been made.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to receive public comments regarding revisions to the Stormwater Facility Replacement Fund Durham City Code Chapter 70, Article XI, Section 70-751; and

To adopt an Ordinance to Revise the Stormwater Facility Replacement Fund Durham City Code Chapter 70, Article XI, Section 70-751 was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14010**

**SUBJECT: REGULATION OF PRIVATE UTILITIES – REVISION OF FEE  
STRUCTURE AND DISCOUNTING OF PRIOR FEES BY 25% IF PAID  
PRIOR TO OCTOBER 1, 2010**

Public Works Director Katie Kalb briefed Council on the revision to the fee structure for regulation of private utilities; namely, electric, telecommunication, telephone and gas. Also, she noted this item would also give the City Manager the authority to settle outstanding unpaid amounts for the private utility permits.

City Manager Bonfield explained that this item was continued from the last City Council Meeting in order for staff to continue to meet with the development community and utility providers and reported the revisions are acceptable to them.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Woodard seconded by Council Member Ali to receive public comments regarding the proposed new fee system for charges for inspection and regulation of construction of private utilities within the public rights-of-way;

To adopt an Ordinance Changing Fees for Permits for Inspection of Private Utility Installations in Public Rights of Way; and

Discounting by 25% the existing fees for private utility inspection charged from July 1, 2006 to the time of adoption of the proposed ordinance if such fees are paid by October 1, 2010; and

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To authorize the City Manager to make appropriate refunds or credits for fees already paid during such time period was approved at 8:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

**Ordinance #14011**

**SUBJECT: PUBLIC HEARING ON PROPOSED FY2011 BUDGET AND FY2011-2016 CAPITAL IMPROVEMENT PLAN**

To receive public comments on the Proposed FY2011 Budget and FY2011-2016 Capital Improvement Plan (CIP).

Budget Director Bertha Johnson made comments on this item. She announced that the next meeting with Council concerning the budget will be held on June 10th immediately following the City Council Work Session to discuss follow-up items and finalize the budget.

Mayor Bell stated that he would not be staying for the entire Work Session on Thursday and requested to view information prior to Thursday.

Mayor Bell opened the public hearing.

Joy Morgan, representing the Human Relation Commission, asked Council to reinstate \$138,000 for the Domestic Violence Court and shared information regarding the number of cases that come through that court.

Jodee Nimerichter asked Council to support funding for the American Dance Festival and asked that information be provided on how the recommended funding of \$36,000 was reached.

Lisa VanDeman, representing the N. C. Arts in Action, advocated for the reinstatement of their program into the City's non-city agency grant funding program. She discussed the role and accomplishments of N. C. Arts and Action.

Jerry Pannachia, representing Water and Sewer, expressed concerns with not receiving an increase in pay and felt unappreciated since Police and Fire received a raise last year and other employees did not.

Charles Reinhart, representing the American Dance Festival, spoke in support of funding for ADF. He asked for transparency to understand the process of funding cuts and encouraged Council to include the African American Dance Ensemble in the budget.

James Daniels, representing the Human Relations Commission, spoke in support of the \$138,000 being restored in the budget to continue the Domestic Violence Court.

Anita Oldham, representing Durham Affordable Housing Coalition, addressed Council asking

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that the housing counseling grant be restored to \$60,000 and explained total cost for the housing counseling program.

Megan Risley, representing Dress for Success, expressed a concern that the City would not be funding any new non-city agencies, outlined the role of Dress for Success and urged Council to reconsider funding them and other new programs.

Tom Miller, representing Inter-Neighborhood Council, urged Council to support one penny for housing every year for housing programs and the Ten Year Plan to End Homelessness in Durham.

Craig Roxbury, City employee, raised a concern with City employees not receiving a raise and urged Council to give employees one percent.

Chimi Boyd-Keyes, representing the Women Center at North Carolina Central University, asked Council to keep the Domestic Violence Court in Durham and commented on how this court can save the system time and money.

Jessie Sterner, representing the Durham Crisis Response Center, spoke in support of the Domestic Violence Court.

Dewayne Hinnant, representing the Mayor's Domestic Violence Task Force, urged Council to support the Domestic Violence Council.

Mindy Solie, representing North Carolina Arts in Action, noted they are making a difference in the lives of Durham children and expressed concern that they were not considered for funding. She asked Council to reinstate their funding and help to continue a fourth year at Fayetteville Street Elementary School and expand their program into Merrick Moore and Holton schools.

Wells Eddleman made comments in support of funding for the Domestic Violence Court and African American Dance Ensemble. He expressed concerns with the treatment from the Neighborhood Improvement Services Department regarding his property.

Alton Tisino spoke in support of funding for the North Carolina Arts in Action and shared his experience with this organization.

Terry Allebaugh, representing Durham Affordable Housing Coalition, asked Council to include \$500,000 through the Penny for Housing Campaign to be designated for the development of permanent supportive housing for the homeless and other special needs population and restore \$60,000 back to the Affordable Housing Coalition for housing counseling work. He expressed concerns with the leadership and administration of the Ten-Year Plan to End Homelessness. He noted if recommendations of the American Institute of Certified Public Accountants are quickly instituted this plan can be saved by disbanding the Executive Committee and replacing it with a Steering Committee.

Victoria Peterson asked that a new department [Prevention/Intervention] be created to address

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crime in this community.

Tracey Cline, representing the District Attorney's Office, addressed the Council speaking on the issue of Domestic Violence and shared her experience as a victim of domestic violence. She asked Council to support the Domestic Violence Court program.

Bob Novak made comments in support for the Durham Affordable Housing Coalition - Ten Year Plan to End Homelessness and the American Dance Festival. He noted potholes need to be addressed and door jam devices should be installed in City Hall--bathrooms, Mayor's Office, etc. to make them ADA accessible.

Jackie Wagstaff urged Council to keep \$138,000 in the budget for the Domestic Violence Court and noted the non-city agency funding should be spread around and not given to the same agencies year after year. Also, she asked Council to rethink their decision about increasing fees for water and sewer, parking and tax. Also she raised a concern with how and where individuals are parking for the Durham Bulls baseball games.

Diana Teteas addressed the Council thanking them for funding the Ellerbee Creek Watershed Association.

Steve Hopkins urged Council to not take anything from City employees but to give them something, support one penny for housing, add at least one staff member to the Impact Team and fix up boarded up houses and not tear them down. He noted jobs are needed that pay a decent wage and the streets need to be fixed. He stated he supports the Rolling Hills/Southside project, but not if it breaks the backs of neighborhood groups or non-profit organizations that have for years been doing great work and asked Council to support Durham Affordable Housing Coalition's Circles of Support.

Mayor Bell closed the public hearing and thanked everyone for coming out to speak on this matter.

Mayor Pro Tempore Cole-McFadden thanked everyone for their input. She stated she did not want the public to think that Council does not support the Domestic Violence Court, but there are concerns regarding the source of funding. She said since it is a state function, everyone should plea with the legislators in the future about fully funding needed courts. Also, she made comments on the amount of money the Durham Housing Coalition currently receives in funding from the City and that the City supports the work of the Coalition.

**Note: Public comments were made. No action was taken by the Council.**

#### **[ANNOUNCEMENTS BY COUNCIL]**

Mayor Bell noted he has a previous commitment that will not allow him to stay at the Work Session for the entire time and wanted to discuss the agenda for budget items.



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It was indicated that discussion concerning budget items would be held during the Special City Council Meeting after the Draft Strategic Plan issue.

There being no further business to come before the City Council, the meeting was adjourned at 9:22 p.m.

Linda E. Bratcher, CMC  
Deputy City Clerk

D. Ann Gray, MMC  
City Clerk